MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2022/2023

UCS 2612 – CONSUMER LAW

(All Sections / Groups)

4th October 2023
Reading Time: 9:00 A.M. – 9:15 A.M.
(15 Minutes)
Answering Time: 9:15 A.M. – 12:15 P.M.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of **Three** pages with **Four** Questions only.

3. **Attempt Either Question One A OR Question One B. Questions Two to Four are compulsory.** All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are not allowed to bring in any statutes or notes into the exam hall.

5. Please write all your answers in the Answer Booklet provided.

ATTEMPT EITHER

QUESTION 1A

With reference to the Consumer Protection Act 1999, explain the following terms briefly:

(a) Guarantee

(5 marks)

(a) Manufacturer

(5 marks)

(b) Goods

(5 marks)

(c) Supplier

(5 marks)

(d) Services

(5 marks)

(TOTAL: 25 Marks)

OR

QUESTION 1B

Nadal Sdn. Bhd. introduced a slimming and trimming product called SLIM TRIM SET, claiming its effectiveness in rapid weight loss. To promote the product, they launched a series of advertisements and even organized talk shows during prime time on major TV channels.

Their primary assertion was that SLIM TRIM SET didn't require a specific dieting schedule, as long as consumers followed the prescribed usage. Throughout the commercials, they emphasized that the product underwent scientific testing, adding credibility to their claims.

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Kyle purchased a one-year supply of SLIM TRIM SET from an online retailer named LAZAR.COM, which offers various products. He used the product for six months but saw no significant changes. Later, Kyle came across several user reviews on Facebook alleging that SLIM TRIM SET was more of a scam than a genuine product. Seeking a refund for the unused balance, Kyle approached LAZAR.COM, but they refused, citing their no refund policy. They advised him to contact the manufacturer instead.

(a) Discuss the various issues arising in this episode, in relation to the Consumer Protection Act of 1999.

(15 Marks)

(b) Explain when bait advertising becomes an offence under the Act, with reference to decided cases.

(10 Marks)

(TOTAL: 25 Marks)

ATTEMPT ALL QUESTIONS

QUESTION 2

Illustrate an overview of consumerism in Malaysia with reference to the Consumer Protection Act 1999 and decided cases

(TOTAL: 25 Marks)

QUESTION 3

"Product liability law is associated with the consumers' right to damages and is necessary in order to provide protection to consumers."

Rahmah Ismail et al, *Product Liability Law under the Malaysian Consumer Protection Act 1999: Justice for Consumers? (2015)*

Determine the types of defects and defences under product liability, and evaluate whether the **Consumer Protection Act 1999** is able to give adequate protection to consumers in this regard.

(TOTAL: 25 Marks)

Continued...

QUESTION 4

Firefighter Evan Buckley purchases a number of items while browsing on the Blaze Mart website, an e-commerce platform. He first added a pair of fireproof boots to his cart. The website provides a picture of the boots followed by a small description. The boots in the picture are black in colour and the description claims that the boots can withstand any heat temperature. Next, he adds a climbing gear set to his cart after watching a demonstration video on its workings, taking note that straps on the climbing gear have a two-year warranty. The demonstration video was attached to the website.

Just as he was about to checkout, he notices that there was a sale for leather belts. The description claims the belt to be sturdy and long-lasting. Excited with the prospect of a great deal, Evan adds four belts to his cart. Happy with his cart, Evan makes the purchase. A week after the purchase, Evan receives his package. His excitement was short lived when he opens the package and notices that the boots are dark blue rather than black which clashes with his firefighter uniform.

Two weeks later, during his shift, the newly purchased belt buckle snaps and the climbing gear strap that he has only used twice also gives way. When he calls Blaze Mart about replacing the straps, he was informed that the straps are difficult to replace and that he would need to ship the gear back to them in order to fix it. He was also informed that this process may take two months to complete.

Analyse the above situation and advise Evan Buckley as to his rights and possible claim of refund using the implied guarantees provided by the **Consumer Protection Act 1999**. Illustrate your answer with reference to relevant case law and articles.

(TOTAL: 25 Marks)

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